

ESTTA Tracking number: **ESTTA393330**

Filing date: **02/15/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92053584
Party	Defendant Bankers Fidelity Life Insurance Company
Correspondence Address	BANKERS FIDELITY LIFE INSURANCE COMPANY 4370 PEACHTREE ROAD NE ATLANTA, GA 30319 UNITED STATES
Submission	Answer
Filer's Name	Camille M. Miller
Filer's e-mail	cmiller@cozen.com
Signature	/Camille M. Miller/
Date	02/15/2011
Attachments	PHILADELPHIA- #5906834-v2-Response_to_Petition_to_Cancel_for_Abandonment_Epic.pdf ( 4 pages )(25874 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Edgewood Partners Insurance Center	:	
Petitioner	:	
	:	
v.	:	Cancellation No. 92 053,584
	:	Registration No. 3,354,866
	:	Registration Date: December 18, 2007
Bankers Fidelity Life Insurance Company	:	
Registrant	:	Mark: <b>EPIC EMPLOYEE’S PAYROLL</b>
	:	<b>INSURANCE COVERAGE</b>

**REGISTRANT’S ANSWER TO PETITION TO CANCEL  
AND AFFIRMATIVE DEFENSES**

Registrant, Bankers Fidelity Life Insurance Company (“Registrant”), hereby responds to the Petition to Cancel Registration No. 3,354,866 for the mark EPIC EMPLOYEE’S PAYROLL INSURANCE COVERAGE, filed on behalf of Petitioner, Edgewood Partners Insurance Center (“Petitioner”), as follows:

1. Denied. Registrant is without knowledge or information sufficient to form a belief as to the truth of the averments in this paragraph, and therefore denies same and demands strict proof thereof.

2. Denied. Registrant is without knowledge or information sufficient to form a belief as to the truth of the averments in this paragraph, and therefore denies same and demands strict proof thereof.

3. Denied. Registrant is without knowledge or information sufficient to form a belief as to the truth of the averments in this paragraph, and therefore denies same and demands strict proof thereof.

4. Denied. Registrant is without knowledge or information sufficient to form a belief as to the truth of the averments in this paragraph, and therefore denies same and demands strict proof thereof.

5. Denied.

6. Denied.

7. Denied.

### **AFFIRMATIVE DEFENSES**

1. Registrant has neither ceased use nor abandoned use of the mark EPIC EMPLOYEE'S PAYROLL INSURANCE COVERAGE as depicted in Registration No. 3,354,866.

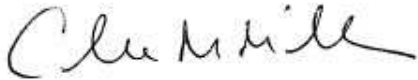
2. Registrant's use of the mark EPIC EMPLOYEE'S PAYROLL INSURANCE COVERAGE pre-dates Petitioner's use of EPIC & Design.

WHEREFORE, Registrant hereby requests that the Board deny Petitioner's Petition to  
Cancel.

Respectfully submitted

Dated: February 15, 2011

COZEN O'CONNOR

By:   
\_\_\_\_\_

Camille M. Miller, Esquire  
David M. Albert, Esquire  
1900 Market Street  
Philadelphia, PA 19103  
(215) 665-7273  
Attorneys for Registrant  
New Frontier Electronics, Inc.

**CERTIFICATE OF SERVICE**

It is hereby certified that a true and correct copy of the foregoing document was electronically filed with the U.S. Patent and Trademark Office, Trademark Trial and Appeal Board on February 15, 2011, and a true and correct copy of the foregoing was mailed on February 15, 2011 via First Class Mail, postage prepaid to the following address:

Scott M. Hervey  
Weintraub Genshlea Chediak  
400 Capitol Mall, 11<sup>th</sup> Floor  
Sacramento, CA 95814

A handwritten signature in dark ink, appearing to read "Camille M. Miller", written over a horizontal line.

Camille M. Miller

Date: February 15, 2011